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Question of the Falkland Islands (Malvinas)

Note verbale dated 12 December 2005 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Secretary-General, and has the honour to request that it circulate as a document of the General Assembly the press release issued by the Ministry of Foreign Affairs, International Trade and Worship of Argentina on Tuesday, 6 December 2005 (see annex).

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Annex to the note verbale dated 12 December 2005 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

Relations with the United Kingdom of Great Britain and Northern Ireland concerning the conservation of fisheries resources in the South Atlantic

On 27 October 2005 the Argentine Government proposed to the British Government that the South Atlantic Fisheries Commission should hold its twenty-eighth meeting. The meeting was held on Tuesday, 6 December 2005. However, the British delegation did not agree to adopt the agenda proposed by the Argentine delegation, which contemplated an examination of the mandate of the Commission and the extent to which it had been affected by a prolonged series of British unilateral measures.

The British delegation consisted of two officials from the British Embassy in Buenos Aires and lacked the usual scientific component.

The South Atlantic Fisheries Commission was established by the Joint Statement on the conservation of fisheries resources signed by the Argentine Republic and the United Kingdom on 28 November 1990, under the sovereignty formula.

The Commission constitutes one of the provisional understandings between Argentina and the United Kingdom, which have the essential aim of contributing to the creation of an environment conducive to the resumption of negotiations to resolve the dispute over sovereignty of the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The understandings reached with regard to fisheries are intended in particular to protect and conserve fisheries resources in the disputed area.

The United Kingdom has adopted a new measure that constitutes a form of unlawful and unilateral long-term disposition of fisheries resources in the maritime areas surrounding the Malvinas Islands. That measure follows, among many other actions, the unilateral lifting by the United Kingdom in December 1993 of the total temporary ban on fishing in the area described in annex 1 to the Joint Statement of 28 November 1990 and the extension of its claimed jurisdiction to the area to the west of it. Since that time, Argentina has reiterated on many occasions the need for a joint review of that measure and its rejection of the extension of jurisdiction. The Argentine position, which has been reflected in the Commission's joint press releases, has not — to date — received an adequate response from the United Kingdom.

Argentina has warned the United Kingdom on many occasions that it would reject new British unilateral measures, particularly those aimed at the long-term disposition of fisheries resources that are the subject of a sovereignty dispute. It has also warned that the adoption of such a measure would seriously affect cooperation within the South Atlantic Fisheries Commission. The rejection of that measure by Argentina is reflected in the joint press release issued by the twenty-seventh meeting of the Commission held on 15 July 2005 in London. Moreover, Argentina notified the United Kingdom on 3 and 29 June 2005 of its formal protest against the

intention to take that action. Lastly, after the British measure was taken, Argentina formally rejected and protested it on 27 October 2005.

This decision follows previous British unilateral measures, duly rejected and protested by the Argentine Republic, which are incompatible with the bilateral understandings on cooperation for the conservation of fisheries resources and out of harmony with the spirit of cooperation that should prevail in the South Atlantic Fisheries Commission and which undermine the mutual confidence necessary for cooperation in fisheries conservation.

The British unilateral measures seriously impair cooperation in the Commission. The Argentine Government will take the actions available to it within the legal framework applicable to this situation in its conduct towards enterprises that exploit fisheries resources in the Argentine exclusive economic zone without appropriate authorization.

The Argentine Republic will continue to make serious efforts to conserve fisheries resources in the South Atlantic.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, which form an integral part of its national territory.